

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**TONY CASTINO RUTHERFORD,**

**Plaintiff,**

**V.**

**MEGAN SKRDLANT, et al.,**

**Defendants.**

**CASE NO. 4:11CV3130**

# MEMORANDUM AND ORDER

This matter is before the court on its own motion. Plaintiff filed a Complaint in this matter on August 2, 2011. (Filing No. 1.) Thereafter, this court granted his Motion for Leave to Proceed in Forma Pauperis (“IFP”), and assessed an initial partial filing fee in accordance with 28 U.S.C. § 1915(b)(1). In addition, the court warned Plaintiff that his case would be subject to dismissal if he failed to pay the initial partial filing fee by September 12, 2011. (Filing No. 6.) Subsequently, the court extended the time for Plaintiff to pay the initial partial filing fee until October 27, 2011. (Filing No. 8.)

The October 27 deadline has passed and Plaintiff has not paid his initial partial filing fee in this matter. (See [Docket Sheet](#).) Accordingly, Plaintiff's case will be dismissed for failure to comply with the court's orders. See [Fed. R. Civ. Pro. 41\(b\)](#); see also [Conley v. Holden](#), No. 03-3908, 2004 WL 2202452, at \*1 (8th Cir. Sept. 21, 2004) (affirming district court's dismissal of inmate's case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (filing no. 1) is dismissed without prejudice because Plaintiff failed to comply with this court's orders; and

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 28<sup>th</sup> day of November, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

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